

## Acton Board of Health

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**Public Health**  
Prevent. Promote. Protect.

Doug Halley, Health Director

November 20, 2009

TO: Steve Ledoux, Town Manager

FROM: Doug Halley, Health Director

SUBJECT: Faulkner Mill Wastewater Capacity Request

This memo is an expansion on the memo sent to you previously on November 10<sup>th</sup> regarding the subject matter. In the previous memo the Health Department did not recommend additional allocations outside the current service area until a process was developed that would allow the Board of Selectmen to assess all issues and values before expanding the sewer service area.

However, given the current workload of the Board, it may be some time before that process is developed and approved. Based on that expectation the Board may want to consider each request on an individual basis in the same way that past expansion requests have been considered.

At this point in time the Board have approved expanding the sewer service area to include two projects; the Powder Mill Plaza and Faulkner Mill. In both cases in making their decision the Board took into consideration the public benefit the project was providing and the wastewater capacity available. This memo is written to summarize those issues.

In considering Powdermill Plaza the Board took into account the public benefit being provided by removing the Plaza's wastewater discharge from the Assabet River and the additional sewer infrastructure being provided for abutting properties. In considering Faulkner Mill the Board took into account the low or moderate income housing being provided, the sidewalk and the housing structures conformance with the Historic Commission Bylaws.

The available sewer system wastewater capacity, committed capacity and under consideration capacity at this point in time can be summarized as follows:

Available Capacity		Committed Capacity		Under Consideration Capacity	
	GPD		GPD		GPD
Sewer Expansion	49,000				
WR Grace capacity	18,275				
		Powder Mill Plaza	4,565		
		Faulkner Mill	2,200		
				Spencer/Tuttle/Flint	20,700
				West Acton Center "A"	17,100
				West Acton Center "B"	17,200
				Faulkner Mill Increase	660
Total Capacity	67275	Total Committed	6765	Total Under	
Committed	-6765			Consideration	55660
Under					
Consideration	<u>55660</u>				
	4850				

Based on this information the Health Department recommends that the Board consider this request at their next meeting. That consideration should take into account the public benefit being provided by the request. As shown above, currently there is still remaining capacity that hasn't been committed or under consideration, even if the Faulkner Mill increase is granted. However, it should be noted that the under consideration capacity may change as the Wastewater Advisory Neighborhood Taskforce and the Water Resources Advisory Committee continue their work.



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Doug Halley, Health Director

November 10, 2009

TO: Steve Ledoux, Town Manager  
FROM: Doug Halley, Health Director  
SUBJECT: Faulkner Mill Wastewater Capacity Request

The Health Department has received a request from Stamski & McNary, on behalf of their client Faulkner Mill Realty, LLC, to increase their access to wastewater capacity in the Town's Sewer System, for 4 High Street, from 4,400 gallons of Title 5 wastewater flow per day to 5,720 gallons per day. The project had been previously approved as 20 units, each having only two bedrooms. The request would increase 12 of those units to three bedrooms, while eight would remain with only two bedrooms.

In compensation for this approval their client agrees to pay the differential between the previously agreed .67 Sewer Betterment Unit Privilege Fee, as specified under the Sewer Assessment Bylaw D-10 2.b(ii), to 1 Sewer Betterment Unit Privilege Fee, as also specified under the Sewer Assessment Bylaw D-10 2.b(i) (see attached). This would require an additional Sewer Privilege Fee payment of \$48,753.62 due to the Town.

In March of 2008 the Town and Faulkner Mill signed an agreement specifying the conditions by which Faulkner Mill could connect to the public sewer. Frank Ramsbottom, Building Commissioner, has reviewed those conditions (see attached) and finds that Faulkner Mill remains in compliance with those conditions.

Based on actual water usage anticipated by the increase the capacity at the wastewater plant would be reduced by 660 gallons per day (their Title 5 wastewater increase divided by 2). Five years ago the Town was able to increase the capacity of the wastewater plant from 250,000 gallons of actual water use per day to 299,000 gallons per day. Since that date capacity has been given to Powdermill Plaza (4,565 gpd) and to Faulkner Mill (2,200 gpd). The remaining capacity of 42,235 gpd had been dedicated to future expansion of the sewer to the Spencer/Tuttle/Flint area and to a portion of West Acton Center.

Expansion to the Spencer/Tuttle/Flint area was defeated at Special Town Meeting but the Wastewater Advisory Neighborhood Taskforce has been charged with re-examining the wastewater options for that neighborhood. The Taskforce anticipates their work to be completed by April of 2011 and at that point it will be known if wastewater capacity should remain committed to that neighborhood or released for other Needs Areas. At this point in time the portion of West Acton Center being considered for expansion has not been studied definitively and no decision has been made to either eliminate it from consideration or proceed forward with a plan.

In addition to the increase of 49,000 gpd of capacity the Town has also agreed to accept capacity back from W. R. Grace. This unallocated capacity amounts to 18,275 gpd. At this point in time no decision, nor process, has been determined on how to allocate this additional flow.

When betterments were committed to the properties within the sewer service area \$1,166,200 of capital costs (Supersizing) were set aside for later commitment as privilege fees to properties that either exceeded their allocated wastewater capacity or properties that were outside the service area. As of this date the Town has received \$577,491.26 of privilege fee payments and has an additional amount of \$131,979.49 that Faulkner Mill has agreed to pay prior to the issuance of building permits.

The current unpaid Supersizing commitment is \$588,708.74. That potentially can be reduced to \$456,729.25 if Faulkner Mill completes their current agreement with the Town and could be further reduced to \$407,975.63 if they are given the additional capacity as requested. Currently there are no other projects within, or adjacent to, the sewer system which are seeking to either exceed their allocated flow or expand the sewer to their location.

The Faulkner Mill location at 4 High Street was not identified as part of a Needs Area by the CWRMP. Although the requested additional allocation to this site is small, making an allocation to any property outside of the current service area should only be done through a pre-determined public process which allows all issues and values to be assessed by the Board of Selectmen prior to committing an allocation. Until that process is identified the Health Department would not recommend additional allocations outside the current service area.

STAMSKI AND McNARY, INC.

80 Harris Street  
Acton, Massachusetts 01720  
(978) 263-8585  
FAX (978) 263-9883

WILLIAM F. McNARY, P.L.S.

JOSEPH MARCH, P.E., P.L.S.

October 15, 2009

Acton Board of Selectmen  
472 Main Street  
Acton, MA 01720

Re: 4 High Street

Members of the Board,

On behalf of our client, Faulkner Mill Realty, LLC, we are writing to you, acting as the Acton Sewer Commissioners, to approve 12 additional bedrooms at the referenced site for connection to the municipal sewer. The site was previously authorized for 20 proposed residential housing units, each with two bedrooms for a total design flow of 4,400 gallons per day (gpd). The twelve additional bedrooms will add 1,320 gpd for a total of 5,720 gpd.

For historical reference, this site had been previously approved for both non-residential and residential projects. The Board had originally approved a sewer connection for this site for a Health Club serving 300 people a day. Subsequently, the Board had approved a sewer connection for 30 residential housing units with up to 2-bedrooms each. These uses would potentially have had flows of 6,000 and 6,600 gallons per day respectively.

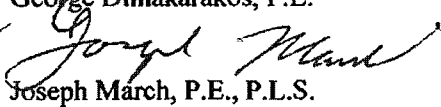
The additional bedrooms will be provided within the footprint of the previously proposed buildings. This will allow twelve of the units to have three bedrooms rather than two. No additional buildings are proposed.

Our client has corresponded with Doug Halley, Health Director, regarding the formula for calculating betterment fees. Initially, the betterment for the twelve buildings affected was 0.67 betterment units per dwelling, since they contained two bedrooms each. With three bedrooms, the calculation is made on the basis of 1.0 betterment unit per dwelling. Therefore, the 0.33 unit difference for 12 units, with a betterment unit valued at \$12,311.52, comes to a sum total of \$48,753.62 that the applicant is willing to pay for this modification.

We thank you for your time in consideration of this matter. Please call our office if you have any further questions.

Respectfully yours,  
Stamski and McNary, Inc.

  
George Dimakarakos, P.E.

  
Joseph March, P.E., P.L.S.

cc: Faulkner Mill Realty, LLC.

RECEIVED

OCT 16 2009

ACTON BOARD OF HEALTH